

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOHN OLLINGER,	:	
	:	Civil Action No.
Plaintiff,	:	08-35 (NLH)
	:	
v.	:	
	:	
COUNTY OF CAMDEN, et al.,	:	ORDER TO SHOW CAUSE
	:	
Defendants.	:	
	:	

HILLMAN, District Judge

This Court issues this order to show cause in response to Plaintiff John Ollinger's repeated failures to prosecute this case. Plaintiff's failure to prosecute was first brought to this Court's attention on August 1, 2008, when Mr. Joel Wayne Garber, Esq. moved to withdraw as Plaintiff's attorney. In his certification in support of that motion, Mr. Garber detailed Plaintiff's repeated failures to respond to correspondence regarding discovery requests between February 2008 and the filing of the motion to withdraw as attorney.

United States Magistrate Judge Joel Schneider scheduled oral argument on Garber's motion to withdraw as Plaintiff's attorney for September 8, 2008. Judge Schneider ordered Plaintiff to appear at that hearing. However, Plaintiff failed to appear on

September 8, 2008, as ordered by Judge Schneider. Garber's motion to withdraw as attorney was granted.

Plaintiff next failed to appear for a status conference held on October 24, 2008 before Judge Schneider. In response to Plaintiff's unexcused failure to appear, Judge Schneider issued an Order to Show Cause why Plaintiff should not be sanctioned. The order directed Plaintiff to appear before the Court on November 24, 2008, to show cause why he should not be sanctioned. The order further warned Plaintiff that should he fail to appear on November 24, 2008, Judge Schneider would recommend that the case be dismissed. Nonetheless, Plaintiff failed to appear on November 24, 2008 as ordered by Judge Schneider.

It thus appearing that since September 8, 2008, Plaintiff has failed to comply with Judge Schneider's orders to appear in this Court;

And it further appearing that Plaintiff has not engaged in any activity in this case since February 2008;

And it further appearing that pursuant to L. Civ. R. 41.1(a), this Court must dismiss a civil matter that has been pending for more than 120 days without any proceedings, "unless good cause is shown with the filing of an affidavit from counsel of record or the unrepresented party;"

IT IS HEREBY ORDERED on this 25th day of November, 2008, that Plaintiff show cause why this case should not be dismissed.

If Plaintiff does not show cause before December 24, 2008, the Clerk is ordered to dismissed this case for failure to prosecute pursuant to L. Civ. R. 41.1(a).

/s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.

At Camden, New Jersey